

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

OLGA G. SCHAEFER,

Plaintiff,

vs.

No. CIV 06-460 JB/ACT

MARIA THERESA ANTILL and
R. J. SCHAEFER REALTY &
INVESTMENTS, INC., and
PENSION PLANNING CONSULTANTS, INC.

Defendants.

MEMORANDUM OPINION AND ORDER

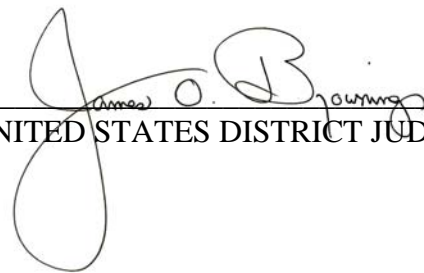
THIS MATTER comes before the Court on the Motion for Order to Show Cause Why R.J. Schaefer Realty & Investments, Inc. and Maria Theresa Antill Should Not Be Held in Contempt, filed August 13, 2007 (Doc. 66). The Court held a hearing on the motion on September 26, 2007. The primary issues are: (i) whether the Court should issue an order to Schaefer Realty and Antill to show cause why the Court should not be held in contempt of Court for violating the Court's Memorandum Opinion and Order (Doc. 59) and its Final Judgment (Doc. 60), entered on January 31, 2007, by failing to distribute the assets of the Retirement Plan and/or the Profit Sharing Plan, and by failing and refusing to provide a full and complete accounting of the assets of the Plans; and (ii) whether, given Schaefer Realty's alleged refusal to comply with its duties and obligations under the Plans and the Court's Order, and its disdain for Schaefer, the Court shall remove Schaefer Realty and Antill as the Plan Administrator and its President, and replace them at Schaefer Realty's cost. For the reasons stated at the hearing, and for reasons consistent with those already stated, the Court will order Schaefer Realty to make a distribution of Plan assets to Schaefer within five days from

the date that she signs and delivers to counsel for Schaefer Realty the Participant Distribution Notice; and (iii) the Court will order Schaefer Realty and Antill to produce any and all (a) purchase agreements; (b) closing statements; (c) valuation of the properties; (d) correspondence to the trust related to sales of assets; (e) correspondence between Antill and any other parties about sales of Plan property; (f) documents reflecting or discussing any commissions paid to any party; (g) documents reflecting any expenses paid out of the plan; (h) partnership agreements; and (i) any invoices in the Plan's possession, custody, or control, that were created or dated after November 17, 2005, within twenty days of the September 26, 2007 hearing. All other requests for relief are denied without prejudice to Schaefer renewing her request if the order does not secure compliance with the Court's January 31, 2007 Order.

IT IS ORDERED that:

1. Defendant R.J. Schaefer Realty & Investments, Inc. and Maria Theresa Antill shall make a distribution of Plan assets to Plaintiff Olga Schaefer within five days from the date that Schaefer signs and delivers to counsel for Schaefer Realty the Participant Distribution Notice; and

2. Schaefer Realty and Antill will produce any and all: (i) purchase agreements; (ii) closing statements; (iii) valuations of properties; (iv) correspondence to the Plans related to sales of assets; (v) correspondence between Antill and other parties about sales of Plan property; (vi) documents reflecting or discussing any commissions paid to any person or party; (vii) documents reflecting any expenses paid out of the Plan; (viii) partnership agreements; and (ix) any invoices in the Plan's possession, custody, or control, that were created or dated after November 17, 2005, within twenty days of the September 26, 2007 hearing. All other requests for relief are denied.



UNITED STATES DISTRICT JUDGE

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